

Union Calendar No. 75

104TH CONGRESS
1ST SESSION

H. R. 1565

[Report No. 104-158]

To amend title 38, United States Code, to extend through December 31, 1997, the period during which the Secretary of Veterans Affairs is authorized to provide priority health care to certain veterans exposed to Agent Orange, ionizing radiation, or environmental hazards.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 1995

Mr. HUTCHINSON (for himself, Mr. EDWARDS, Mr. STUMP, and Mr. MONTGOMERY) introduced the following bill; which was referred to the Committee on Veterans' Affairs

JUNE 26, 1995

Additional sponsors: Mr. SMITH of New Jersey, Mr. BILIRAKIS, Mr. STEARNS, Mr. BARR, Mr. COOLEY, Mr. EVANS, Mr. FILNER, Ms. BROWN of Florida, Mr. DOYLE, Mr. MASCARA, and Mr. NEY

JUNE 26, 1995

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 3, 1995]

A BILL

To amend title 38, United States Code, to extend through December 31, 1997, the period during which the Secretary of Veterans Affairs is authorized to provide prior-

ity health care to certain veterans exposed to Agent Orange, ionizing radiation, or environmental hazards.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 **SECTION 1. AUTHORITY TO PROVIDE PRIORITY HEALTH**
4 **CARE.**

5 (a) *AUTHORIZED INPATIENT CARE.*—Section 1710(e)
6 *of title 38, United States Code, is amended—*

7 (1) *in paragraph (1), by striking out subpara-*
8 *graphs (A) and (B) and inserting in lieu thereof the*
9 *following:*

10 “(e)(1)(A) *A herbicide-exposed veteran is eligible for*
11 *hospital care and nursing home care under subsection*
12 *(a)(1)(G) for any disease suffered by the veteran that is—*

13 “(i) *among those diseases for which the National*
14 *Academy of Sciences, in a report issued in accordance*
15 *with section 2 of the Agent Orange Act of 1991, has*
16 *determined—*

17 “(I) *that there is sufficient evidence to con-*
18 *clude that there is a positive association between*
19 *occurrence of the disease in humans and expo-*
20 *sure to a herbicide agent;*

21 “(II) *that there is evidence which is sugges-*
22 *tive of an association between occurrence of the*
23 *disease in humans and exposure to a herbicide*
24 *agent, but such evidence is limited in nature; or*

1 “(III) that available studies are insufficient
2 to permit a conclusion about the presence or ab-
3 sence of an association between occurrence of the
4 disease in humans and exposure to a herbicide
5 agent; or

6 “(ii) a disease for which the Secretary, pursuant
7 to a recommendation of the Under Secretary for
8 Health on the basis of a peer-reviewed research study
9 or studies published within 20 months after the most
10 recent report of the National Academy under section
11 2 of the Agent Orange Act of 1991, determines there
12 is credible evidence suggestive of an association be-
13 tween occurrence of the disease in humans and expo-
14 sure to a herbicide agent.

15 “(B) A radiation-exposed veteran is eligible for hos-
16 pital care and nursing home care under subsection
17 (a)(1)(G) for any disease suffered by the veteran that is—

18 “(i) a disease listed in section 1112(c)(2) of this
19 title; or

20 “(ii) any other disease for which the Secretary,
21 based on the advice of the Advisory Committee on En-
22 vironmental Hazards, determines that there is credi-
23 ble evidence of a positive association between occur-
24 rence of the disease in humans and exposure to ioniz-
25 ing radiation.”;

1 (2) in paragraph (2)—

2 (A) by striking out “Hospital” and insert-
3 ing in lieu thereof “In the case of a veteran de-
4 scribed in paragraph (1)(C), hospital”; and

5 (B) by striking out “subparagraph” and all
6 that follows through “subsection” and inserting
7 in lieu thereof “paragraph (1)(C)”; and

8 (3) in paragraph (3), by striking out “of this
9 section after June 30, 1995,” and inserting in lieu
10 thereof “, in the case of care for a veteran described
11 in paragraph (1)(A), after December 31, 1997,”; and

12 (4) by adding at the end the following new para-
13 graph:

14 “(4) For purposes of this subsection and section 1712
15 of this title:

16 “(A) The term ‘herbicide-exposed veteran’ means
17 a veteran (i) who served on active duty in the Repub-
18 lic of Vietnam during the Vietnam era, and (ii) who
19 the Secretary finds may have been exposed during
20 such service to a herbicide agent.

21 “(B) The term ‘herbicide agent’ has the meaning
22 given that term in section 1116(a)(4) of this title.

23 “(C) The term ‘radiation-exposed veteran’ has
24 the meaning given that term in section 1112(c)(4) of
25 this title.”.

1 (b) *AUTHORIZED OUTPATIENT CARE.*—Section 1712
2 of such title is amended—

3 (1) in subsection (a)(1)—

4 (A) by striking out “and” at the end of sub-
5 paragraph (C);

6 (B) by striking out the period at the end of
7 subparagraph (D) and inserting in lieu thereof
8 a semicolon;

9 (C) by adding at the end the following new
10 subparagraphs:

11 “(E) during the period before January 1, 1998,
12 to any herbicide-exposed veteran (as defined in section
13 1710(e)(4)(A) of this title) for any disease specified in
14 section 1710(e)(1)(A) of this title; and

15 “(F) to any radiation-exposed veteran (as de-
16 fined in section 1112(c)(4) of this title) for any dis-
17 ease covered under section 1710(e)(1)(B) of this
18 title.”; and

19 (2) in subsection (i)(3)—

20 (A) by striking out “(A)”; and

21 (B) by striking out “; or (B)” and all that
22 follows through “title”.

23 **SEC. 2. SAVINGS PROVISION.**

24 The provisions of sections 1710(e) and 1712(a) of title
25 38, United States Code, as in effect on the day before the

1 *date of the enactment of this Act, shall continue to apply*
2 *on and after such date with respect to the furnishing of hos-*
3 *pital care, nursing home care, and medical services for any*
4 *veteran who was furnished such care or services before such*
5 *date of enactment on the basis of presumed exposure to a*
6 *substance or radiation under the authority of those provi-*
7 *sions, but only for treatment for a disability for which such*
8 *care or services were furnished before such date.*

Amend the title so as to read: “A bill to amend title 38, United States Code, to extend through December 31, 1997, the period during which the Secretary of Veterans Affairs is authorized to provide priority health care to certain veterans exposed to Agent Orange and to make such authority permanent in the case of certain veterans exposed to ionizing radiation, and for other purposes.”.

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